

ORDINANCE NO. O2015-3

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WILDWOOD, FLORIDA CREATING SECTION 2-7 OF THE WILDWOOD CODE ESTABLISHING POLICY AND PROCEDURE FOR THE DISPOSAL OF SURPLUS REAL PROPERTY IN A MANNER THAT BEST SUITS THE INTEREST OF THE PUBLIC; PROVIDING FOR CODIFICATION AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Wildwood possesses real property that may not be of use to the City; and

WHEREAS, the City wishes to create policy and procedure for the declaration and disposal of surplus real property;

NOW, THEREFORE, BE IT ORDAINED, BY THE CITY COMMISSION OF THE CITY OF WILDWOOD, FLORIDA, THAT:

1. The City of Wildwood Code is hereby amended to create Section 2-7 concerning the disposal of surplus real property:

Section 2.7. Declaration and Disposal of Surplus Real Property

(1) Purpose.

The purpose of this section is to establish procedures for the disposal of surplus City real property.

(2) Declaration of surplus real property.

(A) Any real property owned by the City may be declared as surplus upon:

- (1) Presentation of a staff request to the City Commission by the City Manager or designee. The City Manager or designee shall review all real property held by the City as frequently as is needed to determine whether such property is unusable or no longer needed for City purposes.
- (2) Presentation of an interested party's request to the City Commission by the City Manager or designee. The City Manager or designee shall include a staff recommendation with the citizen request.
- (3) The City Commission's own motion.

(B) When the City Commission finds that any real property owned by the City is unusable or not needed for City purposes, the Commission may adopt a resolution declaring the real property to be surplus property. Once the property is declared surplus, the property may be sold, dedicated, donated, leased or otherwise conveyed to interested parties in accordance with this section.

(3) Methods of disposal of surplus real property.

(A) Once the real property has been declared surplus, the City Manager or designee shall recommend to the City Commission a particular method of disposal as set forth in this article.

(B) The City Manager or designee may dispose of surplus real property in the following manner:

- (1) Through the competitive bidding process as set forth in section F.S. § 125.35(1). The City Manager or designee may sell, convey or lease any real property, whenever the City Commission determines that it is in the best interest of the City to do so, to the highest and best bidder for the particular use of the property the Commission determines is the highest and best. Notice shall be published once a week for at least two (2) weeks in a newspaper of general circulation, calling for bids on the property.
- (2) By negotiating a private sale in accordance with section F.S. § 125.35(2). The City Manager or designee may negotiate a private sale with an adjacent property owner when the City Commission finds that the property is of insufficient size and shape to be issued a permit for any type of development, or when the value of the property is fifteen thousand dollars (\$15,000.00) or less as determined by the Sumter County Property Appraiser and of use only to the adjacent property owners. Notice of intended action shall be sent to the adjacent property owners, certified mail. If, within ten (10) days, two (2) or more adjacent property owners indicate an interest to purchase the property, then the City Manager or designee shall accept sealed bids for the parcel from those property owners. If no response is received from the adjacent property owners, then a private sale may be completed.
- (3) Exchange surplus real property in accordance with section F.S. § 125.37. The City Commission may exchange surplus real property for another parcel of real property, provided that the Commission has published a notice for at least two (2) weeks, in a newspaper of general circulation, before adoption of a resolution authorizing the exchange. The notice shall set forth the terms and conditions of the exchange of property.
- (4) Sell, transfer, lease or convey surplus real property to another governmental entity or non-profit entity in accordance with section F.S. § 125.38. The City Commission may, upon finding that the property is required for use by another governmental entity or non-profit entity, sell, transfer, lease or convey real property to that entity for such price, whether nominal or otherwise as the board may fix. The fact of the application being made, the purpose for which such property is to be used, and the price or rent therefor shall be set out in a resolution duly adopted by the board. No advertisement is required.
- (5) The City Manager or designee may additionally dispose of surplus real property in accordance with F.S. § 125.35(3). The City Commission may dispose of surplus real property through the use of a licensed real estate broker or through a public auction house in the following manner:
 - a. A licensed real estate broker or public auction house shall be retained through the competitive bidding process in accordance with City policy. Any contract for services shall, at a minimum, set forth the amount of compensation due for services, the length of notice/advertising time, the time for auction, if being auctioned, and such other information as deemed necessary by the City Manager or designee. The contract(s) shall be approved by the City Commission. Notice of the Commission's intent to consider the contract(s) shall be given in accordance with the Commission's regular advertising procedures.
 - b. Any offer made to a licensed real estate broker for purchase of listed surplus property shall be brought to the City Commission in the form of a purchase agreement. Notice of the Commission's intent to consider the

purchase agreement shall be given in accordance with the Commission's regular advertising procedures. If the Commission approves the purchase agreement, then the Mayor or Mayor Pro-Tem shall be authorized to sign all required closing documents, including the deed.

(4) Negotiation.

(A) In determining the terms and conditions of the disposal of surplus property the City Manager or designee shall take into consideration the following factors:

- (1) The appraised value of the real property;
- (2) The condition of the real property, and the extent to which the party seeking to acquire the property will have to expend funds to make the property usable, rezoning issues excluded, or, to bring the property into compliance with the City Code;
- (3) The proposed use of the party seeking to acquire the property.

End of Section 2.7

2. All ordinances or parts of ordinances in conflict herewith, be, and the same are hereby repealed.

3. If any section, sentence, clause or phrase of this Ordinance is held to be invalid or unconstitutional by a Court or competent jurisdiction, then said holding shall in no way effect the validity of the remaining portions of said Ordinance.

4. This Ordinance shall take effect upon its final reading by the City Commission of the City of Wildwood.

DONE AND ORDAINED, this 23rd day of March, 2015, in regular session, by the City Commission of the City of Wildwood, Florida.

CITY COMMISSION
CITY OF WILDWOOD, FLORIDA

SEAL

ATTEST:

Cassandra Lippincott
Cassandra Lippincott, City Clerk

Ed Wolf
Ed Wolf, Mayor